AFFAIRES GENERALES ET POLITIQUE
GENERAL AFFAIRS AND POLICY

Doc. prél. No 3
Prel. Doc. No 3

février / February 2008

HccH
HAGUE CONFERENCE ON
PRIVATE INTERNATIONAL LAW
CONFÉRENCE DE LA HAYE
DE DROIT INTERNATIONAL PRIVÉ

PROJETS RELATIFS AUX CONVENTIONS SUR LES ENFANTS, LES ALIMENTS, LES ADULTES ET LA COHABITATION – PROGRAMME POUR 2008-2009

Note établie par le Bureau Permanent

* * *

PROJECTS CONCERNING THE CHILDREN'S CONVENTIONS, MAINTENANCE, ADULTS AND COHABITATION – PLANNING FOR 2008-2009

Note submitted by the Permanent Bureau

Document préliminaire No 3 de février 2008
à l'intention du Conseil d'avril 2008
sur les affaires générales et la politique de la Conférence

Preliminary Document No 3 of February 2008
for the attention of the Council of April 2008
on General Affairs and Policy of the Conference

Permanent Bureau | *Bureau Permanent*
6, Scheveningseweg 2517 KT The Hague | *La Haye* The Netherlands | *Pays-Bas*
telephone | *téléphone* +31 (70) 363 3303 fax | *télécopieur* +31 (70) 360 4867
e-mail | *courriel* secretariat@hcch.net website | *site internet* http://www.hcch.net

PROJETS RELATIFS AUX CONVENTIONS SUR LES ENFANTS, LES ALIMENTS, LES ADULTES ET LA COHABITATION – PROGRAMME POUR 2008-2009

Note établie par le Bureau Permanent

* * *

PROJECTS CONCERNING THE CHILDREN'S CONVENTIONS, MAINTENANCE, ADULTS AND COHABITATION – PLANNING FOR 2008-2009

Note submitted by the Permanent Bureau

INTRODUCTION

This document summarises the programme of work in the fields of international child protection and family law in which the Permanent Bureau is currently engaged. The document, which is an updated version of similar documents presented to meetings of the Special Commission on General Affairs and Policy of the Conference in 2003, 2004, 2005 and 2006, and of the Council of 2007[1] sets out a timetable for certain projects and comments on the sources of funding for each project (cross-referenced to the Supplementary Budget for Financial Year LIV (1 July 2008 – 30 June 2009)).[2]

The mandate for the work relating to the *Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* derives in part from Recommendations adopted at the Twenty-First Session on 23 November 2007 (see Final Act of the Twenty-First Session, Part C). It is envisaged that this work will in the first instance be funded under the Supplementary Budget.

The mandate for the work relating to the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* and the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children* derives from the Fifth meeting of the Special Commission to review the operation of the 1980 Convention and to address implementation issues concerning the 1996 Convention, which took place in The Hague from 30 October to 9 November 2006.[3] The Special Commission, attended by 66 States, agreed 57 Conclusions and Recommendations, with implications both for the Regular and Supplementary Budgets of the Hague Conference.

Various projects concerning the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* were approved by the Special Commission meeting to review the practical operation of that Convention in November 2000. A second Special Commission meeting to review the practical operation of the Convention of 1993 of September 2005 reaffirmed the work programme and approved further projects.[4] The programme of work is funded partly from the Regular and partly from the Supplementary Budget.

---

[1] See Prel. Doc. No 4 of March 2003 for the attention of the Special Commission of April 2003 on General Affairs and Policy of the Conference; No 12 of February 2004 for the attention of the Special Commission of April 2004 on General Affairs and Policy of the Conference; No 28 of March 2005 for the attention of the Special Commission of March / April 2005 on General Affairs and Policy of the Conference; No 2 of February 2006 for the attention of the Special Commission of April 2006 on General Affairs and Policy of the Conference; and No 13 of March 2007 for the attention of the Council of April 2007 on General Affairs and Policy of the Conference respectively.

[2] Prel. Doc. No 8 of March 2008 for the attention of the Council of April 2008 on General Affairs and Policy of the Conference.

[3] See "Conclusions and Recommendations of the Fifth meeting of the Special Commission to Review the Operation of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* and the Practical Implementation of the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children* (30 October-9 November 2006)". The original mandate for certain projects derives from earlier Special Commission meetings. See, in particular, "Conclusions and Recommendations of the Fourth meeting of the Special Commission to Review the Operation of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction* (22–28 March 2001)".

[4] See "Conclusions and Recommendations of the Second meeting of the Special Commission to Review the Operation of the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in respect of Intercountry Adoption* (17-23 September 2005)".

PROJECT	MANDATE / TIMELINE / BUDGETARY COMMENTS
PART I	
THE HAGUE CONVENTION OF 23 NOVEMBER 2007 ON THE INTERNATIONAL RECOVERY OF CHILD SUPPORT AND OTHER FORMS OF FAMILY MAINTENANCE ***Implementation of the Conclusions included in the Final Act of the Twenty-First Session, 23 November 2007***	
1. Explanatory Report	It is planned to have a first draft of the Report prepared for circulation to delegations for their comments in May 2008. See Minutes of the Plenary Session of the Diplomatic Session. See Supplementary Budget 2007-2008, Article 18 *a)* for Spanish translation.
2. Development of a Guide to Good Practice on implementation of the Maintenance Convention	To commence as soon as resources allow. First draft to be developed within the next 12 months. See Minutes of Commission I of the Diplomatic Session. See Supplementary Budget 2008-2009, Article 1.
3. Development of a Guide to Good Practice / Handbook on the practical operation of the Maintenance Convention	To commence as soon as resources allow. First draft to be developed within the next 15 months. See Minutes of Commission I of the Diplomatic Session. See Supplementary Budget 2008-2009, Article 2.
4. Continuation of the work of the Administrative Co-operation Working Group (ACWG) - 4 Conference calls	See Final Act. Ongoing. See Supplementary Budget 2008-2009, Article 3.
5. Continuation of the work of the Forms Working Group (Coordinated by the Permanent Bureau)	See Final Act. Ongoing.

6. Continued development of country profiles - 4 conference calls - Finalisation of the web-base Country Profile	Ongoing. See Final Act. Ongoing. See Supplementary Budget 2008-2009, Article 4.
7. iSupport (integrated electronic application processing and case management system for the international recovery of maintenance) - Preliminary work to devise, in consultation with interested States, functional and technical requirements for the system - Preliminary work to devise a tendering process for the development and operation of the system	See Recommendation No 6 of the Special Commission on General Affairs and Policy of the Conference of April 2006. Ongoing (to be completed before the Special Commission on the implementation of the new Convention). See Supplementary Budget 2008-2009, Article 5.
8. Preparation of publicity materials	Ongoing. See Supplementary Budget 2008-2009, Article 6.
THE HAGUE CONVENTION OF 25 OCTOBER 1980 ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION **Implementation of Conclusions and Recommendations from the Fifth meeting of the Special Commission to review the operation of the 1980 Convention and implementation issues concerning the 1996 Convention**[5]	
9. Central Authority Working Group in respect of country profiles	Recommendation 1.1.11 of the Special Commission. No timeline has yet been set. The Canadian authorities will be playing a leading role in this project.
10. Updating of standard request for return form in consultation with Contracting States	Recommendation 1.1.14 of the Special Commission.

[5] The Conclusions and Recommendations from the Fifth meeting of the Special Commission to review the operation of the 1980 Convention are available on the Hague Conference website at < www.hcch.net > under "Conventions" then "Convention 28" and "Practical Operation Documents". The Special Commission took place 30 October - 9 November 2006. General preparations for Special Commissions are funded from the Regular Budget of the Hague Conference, as are the Special Commissions themselves. The provision of Spanish interpretation during the Special Commission and the translation of preliminary documents were funded by contributions to the Supplementary Budget.

11. The Guides to Good Practice under the 1980 Convention	
a) Part I (Central Authority Practice), Part II (Implementing Measures), and Part III (Preventive Measures)	Parts I, II and III have been published, in English, French and Spanish.
b) Part IV (Enforcement of return orders / access orders)	Draft principles supported by the Special Commission.[6] Recommendation 1.5.2 of the Special Commission to draw up Draft Guide to Good Practice with the assistance of a group of experts. Draft Guide to be circulated to Member States and Contracting States for their comments.
c) Part V (General principles and good practice relating to transfrontier access / contact)	The Special Commission gave broad endorsement to general principles and good practices set out in Preliminary Document No 4.[7] Document to be amended and completed in consultation with a group of experts and prepared for publication as soon as possible. See Recommendation 1.7.2.a.
12. Consent to travel: Explore feasibility and development of standardised or recommended permission [to travel with child] or consent form in consultation with Contracting States and relevant international organisations	Recommendation 1.2.3 of the Special Commission.

[6] "Enforcement of Orders made under the 1980 Convention – Towards Principles of Good Practice", drawn up by Andrea Schulz, First Secretary, Prel. Doc. No 7 of October 2006 for the attention of the Fifth meeting of the Special Commission to review the operation of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*.

[7] "Transfrontier Access / Contact General Principles And Good Practice", drawn up by William Duncan, Deputy Secretary General, Prel. Doc. No 4 of October 2006 for the attention of the Fifth meeting of the Special Commission to review the operation of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*.

13. Mediation: Permanent Bureau to keep States informed of developments in the mediation of cross-border disputes concerning contact and abduction[8]	Recommendation 1.3.3 of the Special Commission. See Preliminary Document No 10 for the attention of the Council of April 2008 on General Affairs and Policy.
14. Direct Judicial Communications	Draft report confirmed by the Special Commission.[9] Meeting of experts planned for July 2008. Recommendation 1.6.7 of the Special Commission.
a) EC-HCCH Conference on direct judicial Communications	Ongoing preparations. A conference to take place in January 2009 in co-operation with the European Community.
b) Maintaining and updating the list of judges designated by their judicial authorities or self-nominated to join the International Hague Network of Judges	Ongoing.
c) Continued consultations and development of practical mechanisms and structures in respect of the International Hague Network of Judges (including regional networks)	Recommendation 1.6.7 of the Special Commission. Ongoing.
d) Continued development of an inventory of existing practices relating to direct judicial communications in specific cases under the 1980 Hague Convention and with regard to international child protection	Recommendation 1.6.7 of the Special Commission. Ongoing.
e) Continued research into principles concerning direct judicial communications, with the advice of a consultative group of experts	Recommendation 1.6.7 of the Special Commission. Ongoing. Expert Group to meet in late June 2008.

[8] "Feasibility study on cross border mediation in family matters" drawn up by the Permanent Bureau, Prel. Doc. No 20 of March 2007 for the attention of the Council of April 2007 on General Affairs and Policy of the Conference which includes as an Annex the "Note on the development of mediation, conciliation and similar means to facilitate agreed solutions in transfrontier family disputes concerning children especially in the context of the Hague Convention of 1980" drawn up by Sarah Vigers, Former Legal Officer of the Permanent Bureau, Prel. Doc. No 5 of October 2006 for the attention of the Fifth meeting of the Special Commission to review the operation of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*.

[9] "Report on Judicial Communications in relation to International Child Protection", drawn up by Philippe Lortie, First Secretary, Prel. Doc. No 8 of October 2006 for the attention of the Fifth meeting of the Special Commission to review the operation of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*.

f) Exploration of the development of a secured system of communications for members of the International Hague Network of Judges	Recommendation 1.6.7 of the Special Commission. Ongoing.
15. Implementation of iChild (case management system)[10] - Ongoing efforts to promote and implement the system in Central Authorities designated under the 1980 Hague Convention	Recommendation 1.1.17 of the Special Commission. Ongoing with WorldReach Software of Canada which has developed the Software in cooperation with HCCH. See Supplementary Budget 2008-2009, Article 9.
16. Implementation of INCASTAT (the international child abduction statistical database)[11] - Ongoing work to promote the use of the system by Central Authorities designated under the 1980 Hague Convention	Recommendation 1.1.18 of the Special Commission. INCASTAT launched on 28 September 2007. See Supplementary Budget 2008-2009, Article 9.
17. Expansion and maintenance of INCADAT (the international database of judicial decisions taken under the 1980 Convention)	
a) Continued expansion of the substantive legal coverage, co-operation with INCADAT Correspondents and expansion of the non-Hague Convention page	Ongoing.
b) Continued development of the Spanish module	Ongoing.
18. The Judges' Newsletter on International Child Protection	Recommendation 1.6.9 of the Special Commission. This project has been supported by Butterworths Legal Publishers.
a) Consultation with Editorial Board; soliciting material; writing and editing; co-ordination with publisher; maintenance of distribution list	Regular bi-annual publication (autumn and spring).

[10] See "Report on the iChild Pilot and the Development of the International Child Abduction Statistical Database, INCASTAT Technology Systems in support of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*" drawn up by the Permanent Bureau, Prel. Doc. No 9 of October 2006 for the attention of the Fifth meeting of the Special Commission to review the operation of the above mentioned Convention.
[11] *Id.*

b) Translation into languages other than English / French	For Spanish translations see Supplementary Budget 2008-2009, Article 8 *a).* For Arabic translation see Supplementary Budget 2008-2009, Article 8 *b).*
19. Programme to support effective implementation	See *infra* Part II.
THE HAGUE CONVENTION OF 19 OCTOBER 1996 ON JURISDICTION, APPLICABLE LAW, RECOGNITION, ENFORCEMENT AND CO-OPERATION IN RESPECT OF PARENTAL RESPONSIBILITY AND MEASURES FOR THE PROTECTION OF CHILDREN	
20. Guide to Good Practice: implementation	To be completed during 2008. See Supplementary Budget 2008-2009, Article 10.
21. Handbook on the practical operation of the Convention	To be completed during 2008. See Supplementary Budget 2008-2009, Article 11.
THE HAGUE CONVENTION OF 29 MAY 1993 ON PROTECTION OF CHILDREN AND CO-OPERATION IN RESPECT OF INTERCOUNTRY ADOPTION **Implementation of the Conclusions and Recommendations of the Second meeting of the Special Commission to review the practical operation of the 1993 Convention**[12]	
22. The Guide to Good Practice	
a) Publication of a Guide to Good Practice on Implementation in Spring 2008	The draft Guide was approved by the Special Commission; drafting amendments were undertaken by the Permanent Bureau with the assistance of a designated Consultative Group. Guide to be published during the first part of 2008. Recommendation 1 of the Special Commission.

[12] The Special Commission took place on 17-23 September 2005, including a one day meeting on accreditation issues. The Report of the Special Commission and Conclusions and Recommendations are available on the Hague Conference website at < www.hcch.net > under "Conventions" then "Convention 33" and "Practical Operation Documents". General preparations for Special Commissions are funded from the Regular Budget of the Hague Conference, as are the meetings of the Special Commissions themselves. The provision of Spanish interpretation during the Special Commission and the translation of preliminary documents were funded by contributions to the Supplementary Budget.

b) Spanish translation of modifications to the draft Guide on Implementation	Ongoing.
c) Preparation of a Guide to Good Practice on Accreditation	Recommendation 4 of the Special Commission. See Supplementary Budget 2008-2009, Article 12 *a).*
d) Research into possible additional Chapters (*e.g.* financial aspects, reports on prospective adoptive parents, preparation of prospective adoptive parents, and post-adoption reports)	Recommendation 2 of the Special Commission. See Supplementary Budget 2008-2009, Article 12 *a).*
e) Spanish translation of additional parts of the Guide	See Supplementary Budget 2008-2009, Article 12 *b).*
23. Development of a set of model accreditation criteria	Recommendation 4 of the Special Commission.
24. Development of a model form for the consent of the child (Art. 4 *d)*(3)) as well as model forms or protocols regarding the operation of Articles 15 and 16 of the Convention	Recommendation 7 of the Special Commission.
25. Expansion of the Adoption section of the website including the development of country profiles (including, *inter alia*, procedures, website addresses and how the various responsibilities and tasks under the Convention are divided between Central Authorities, public authorities, accredited bodies and any bodies and persons)	Recommendation 8 of the Special Commission.
26. Development of a model form re post-adoption reporting	Recommendation 18 of the Special Commission.
27. Development of ICASTAT (the intercountry adoption statistical database)	Ongoing work with e-Vision (HCCH website provider) – see point 16 above in relation to INCASTAT. See Supplementary Budget 2008-2009, Article 13.
28. Programme to support effective implementation	See *infra* Part II, item 31 *a)*.

THE HAGUE CONVENTION OF 13 JANUARY 2000 ON THE INTERNATIONAL PROTECTION OF ADULTS	
29. Preparation of publicity material	See Supplementary Budget 2008-2009, Article 14.
CO-HABITATION OUTSIDE MARRIAGE	
30. Co-habitation outside marriage	
Update of the scientific report presented in May 2000	See Preliminary Document No 11 for the attention of the Council of April 2008 on General Affairs and Policy.
PART II	
DEVELOPMENTAL PROGRAMMES AND TECHNICAL ASSISTANCE PROGRAMMES TO SUPPORT THE EFFECTIVE IMPLEMENTATION OF THE HAGUE CONVENTIONS	
31. Convention-specific initiatives	
a) Intercountry Adoption Technical Assistance Programme (ICATAP) The provision of information, training and support to targeted States in the first stages of implementation	Ongoing. See Supplementary Budget 2008-2009, Part II.A, Article 1.
b) International Child Abduction Implementation assistance for States experiencing difficulties	See Supplementary Budget 2008-2009, Part II.A, Article 2.
32. International and regional initiatives – judicial seminars and programmes to support effective implementation	Funded from external sources and by participant States. See Supplementary Budget 2008-2009, Part II.B, Articles 3-6.

a) The Special Programme for Latin American States	Continuation of Phase IV of the Special Programme including in respect of the 1980 Convention: transfrontier access / contact, coordination of joint IIN / HCCH actions including a draft model law of procedure and preliminary study on the 1996 Convention, and judicial communications; assistance in respect of implementation of the 1993 Intercountry Adoption; promotion of the new Maintenance Convention and on the Hague Conventions on Judicial and Administrative Co-operation. See the Conclusions and Recommendations from the IIN Meeting.[13] See Supplementary Budget 2008-2009, Part II.B, Article 4.
b) The Malta Process: Cross-Frontier Child Protection and Family Law Issues Involving Certain Hague Convention States and Certain Non-Hague States from within the Islamic Tradition	Two judicial conferences have been held in Malta, one in March 2004 and one in March 2006. A further conference is planned for late 2008 / early 2009. See Supplementary Budget 2008-2009, Part II.B, Article 3.
c) The Hague Project for Africa	In Phase I of the Project for Southern and Eastern Africa a first Seminar was held in The Hague in September 2006. A Conference for the Southern and Eastern African Region – Phase II to be attended by representatives from the judiciary, governmental, academic and NGO communities to address the three modern Hague Children's Conventions in late 2008. See Supplementary Budget 2008-2009, Part II.B, Article 5. In Phase I of the Project for Western and Central Africa a first Seminar was for French-speaking African States was held in The Hague in August 2007. A follow-up initiative is planned for 2009.

[13] See the Conclusions and Recommendations, Inter-American Expert Meeting on International Child Abduction, which was held in The Hague on 10 November 2006, available on the Hague Conference website at: http://www.hcch.net/upload/concl_iin_e.pdf.

d)	Asia-Pacific Regional Programme	Following the first regional Conference sponsored by the Government of Australia in June 2007, a second initiative is being planned for September 2008. The second Seminar for the Asia-Pacific Region will be sponsored by the Government of China, Hong Kong Special Administrative Region. See Supplementary Budget 2008-2009, Part II.B, Article 6.
e)	Regional Central / Eastern European Seminar	In early planning stages. To be financed by participating States.
33.	Consolidation of technical assistance and training programmes. The Hague Conference International Centre for Judicial Studies and Technical Assistance	A 2006 contribution from the Government of the Netherlands and subsequently by the United States of America has allowed for the initial establishment of a systematic training programme to consolidate the provision of services offered by the Hague Conference and to focus on strengthening and expanding the efforts to ensure the effective implementation in particular of the Hague Children's Conventions and the Hague Conventions on Judicial and Administrative Co-operation. See Supplementary Budget 2008-2009, Part II.C, Article 8.
34.	National seminars and technical assistance to Contracting States and States considering ratification / accession Advice on organisation and scientific programme, participation	Ongoing. Funded by States concerned. For work in the Latin American Region see *supra* 32 *a)*.